THE STATE OF TEXAS CITY OF RIO HONDO COUNTY OF CAMERON

Juan Garza, Commissioner Place 1 Margaret Perez, Mayor Pro-Tem Jose S. Cavazos, Commissioner Place 5 Esteban Bocanegra, Place 2 Olga Gallegos, Commissioner, Place 3

Gustavo Olivares Mayor

City Commission of the City of Rio Hondo April 11, 2023

Pursuant to Chapter 551, Tittle 5 of the Texas Government Code, the Texas Open Meetings Act, notice is hereby given that the governing body of the City of Rio Hondo, Texas will convene for a Regular Meeting, at **6:00 p.m**. on Tuesday April 11, 2023, at the City Commission Chambers on the Second Floor of the Rio Hondo Municipal Building located at 121 N. Arroyo Blvd., Rio Hondo, Texas 78583.

Call meeting to Order (City Commission)

PLEDGE OF ALLEGIANCE

UNITED STATES PLEDGE

INVOCATION:

Regular Agenda:

- 1. Mayor's and Commissioners' Reports
- 2. Reports: Administrator, Public Safety Report, Library Report, Senior Center Report, Public Works Report.

Pursuant to Texas Government Code Section 551.0415, the City Commission, without having provided notice, may make reports about items of community interest if no action is taken and possible action is not discussed regarding the information provided in the report. "Items of community interest" include: (1) expressions thanks, congratulations or condolence: (2) information regarding holiday schedules; (3) an honorary or salutatory recognition of a public official, public employee or other citizen, except the discussions regarding a change in the status of a person's public office or public employment is not an honorary or salutatory recognition for the purposes of the City of Rio Hondo; (4) a reminder about an upcoming event organized or sponsored by the governing body; (5) information regarding a social, ceremonial or community event organized or sponsored by an entity other than the City of Rio Hondo that was attend or is scheduled to be attended by a member of the governing body or an official or employee of the City of Rio Hondo; and (6) announcements involving an imminent threat to the public health and safety of people in the political subdivision that has arisen after the posting of the agenda

- 3. Public Comment Period: Please Note- The Public Comment Period is designated for hearing concerns regarding City of Rio Hondo Public Policy or City of Rio Hondo business that is or is not on the agenda or items listed on the agenda.
- 4. Consideration and Action on the City Commission meeting minutes of March 28, 2023.
- 5. Consideration and Acknowledgement of the March Financial Report.

- 6. Consideration and Action on the Family Dollar Preliminary Plat (Mayor Olivares and Mr. Medina Administrator)
- 7. Consideration and Action on a Street Reconstruction Contract between MJA Construction Company and the City of Rio Hondo using Program Year 22/23 CDBG funds (City Administrator).
- 8. Public Hearing and Action on Ordinance 2023-06 of the City Commission of Rio Hondo, Texas incorporating regulations for electioneering on City owned and city controlled property; authorizing the City Administrator and the Public Safety Director to take all necessary steps to implement the provisions of this ordinance; incorporating recitals; providing for severability' repealing any other code provisions, ordinances, or part of ordinances, and other provision in conflict herewith' and setting an effective date.
- 9. Presentation on status of Boat Ramp Park Project. (City Administrator)
- 10. Executive Session pursuant to Section 551.071of the Texas Government Code: consultation with the Attorney.
- 11. Adjournment.

Note: The City Commission for the City of Rio Hondo the right to adjourn into executive session at any time during this meeting to discuss any matters, as authorized by the Texas Government Code, including but not limited to Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).

Note: The Meeting is accessible to Americans with Disabilities. Persons with disabilities who plan to attend this meeting and who may need assistance, please call the City Secretary at (956) 748-2102, with at least twenty-four hours prior to the meeting.

Ben Medoni for Gustavo Olivares

Mayor of the City of Rio Hondo

Posted: Friday 1 4/6/2023 A 4:00pm

I, City Secretary for the City of Rio Hondo, do hereby certify that this Notice of Meeting is a true and correct record and was posted in the bulletin board outside City Hall, and the bulletin board in the City Hall lobby, at 121 N. Arroyo Blvd, Rio Hondo, Texas 78583 and remained so posted continuously for at least 72 hours preceding the scheduled time

MINUTES FROM A REGULAR MEETING ON MARCH 28, 2023

The Government Body of the City of Rio Hondo, Texas met in a Regular Meeting on March 14, 2023 at 6:00 pm in the Commission Chambers at City Hall, with Mayor- Gustavo Olivares Present, Mayor Pro-Tem-Margaret Perez, Present and Commissioners, Juan Garza- Present, Esteban Bocanegra- Present, Olga Gallegos-Present, and Jose Cavazos- Present Robert Drinkcard, Attorney Present.

PLEDGE OF ALLEGIANCE -Mayor Olivares at 6:00 p.m.

INVOCATION: Rio Hondo Baptist Church

Regular Agenda:

- 1. Commissioner Garza thanked the Police Department for responding to an accident promptly on FM 106.
- 2. Mayor's and Commissioners' Reports
- 3. Public Comment Period: Please Note- The Public Comment Period is designated for hearing concerns regarding City of Rio Hondo Public Policy or City of Rio Hondo business that is or is not on the agenda or items listed on the agenda. None
- 4. Consideration and Action on the City Commission meeting minutes of March 14, 2023.
 - 1. Commissioner Perez motioned to approve the March 14, 2023, Minutes and was seconded by Commissioner Gallegos and the motion carried unanimously.
- 5. Public Hearing on a Zoning Variance 001-2023 pursuant to Zoning Ordinance 294 on the application by Rio Hondo Baptist Church to allow an eight-foot fence (8') associated with the construction of playground at the front yard at 101 Huisache Ave and located on the corner of Huisache Ave and N. Reynolds Ave. (Mayor Olivares and Mr. Medina Administrator) Mr. Chris Boswell attorney presented the application variance request to the City Commission and said that the Baptist Church was requesting and 8' fence for a playground. He stated that there are other 8' fences in the city. Mr. Boswell acknowledged the ordinance not allowing 8' fences but stated that the ordinance will not be done away with this was only for this church. The mayor request others to comment.
 - 1. Ninfa Garza in support.
 - 2. Ruben De La Rosa in support.
 - 3. Rudy Vasquez in support.
- 6. Consideration and Action on Zoning Variance Case No. 001-2023 to allow an eight (8) foot or a six-foot (6) fence at 101 Huisache Ave. (City Administrator) Commissioner Bocanegra ask the city attorney for verification of construction documents needed the City Attorney said yes. Commission Bocanegra motioned to approve the 8' fence variance for the Rio Hondo Baptist Church and to submit all necessary documents and seconded by Commissioner Perez and the motion passed unanimously.
- 7. Consideration and Action on Resolution No. 006-2023 of the City of Rio Hondo, Texas supporting the artificial drainage system legislation filed by State Representative Janie Lopez and State Senator Morgan LaMantia proposing changes to the flood infrastructure fund program and establishing a task force to study the funding challenges that communities with artificial drainage systems face. (City Administrator) Mr. Medina explained that this Resolution was in support of bills filed by Senator La Mantia, and Rep. Lopez in support for drainage improvements in Cameron County. Commissioner Bocanegra motion to approve the resolution and seconded by Commissioner Perez and the motion passed unanimously.

- 8. Discussion on Legislative meetings (Commissioners Bocanegra, Cavazos and Administrator Medina)
 - 1. Commissioner Bocanegra and Commissioner Cavazos reported on the trip to meet with the Valley Delegation. Mr. Bocanegra stated that the city needs to attend sooner in the legislation session. They met with Rep. Lopez for over 30 minutes and explained the city issues. They met with Senator La Mantia and discussed the Port Project and city streets for over 40 minutes.
- 9. Presentation on Splash Pad site plan. (City Administrator) Mr. Medina discussed the Splash Pad and showed a site plan of the location. The mayor suggests closer to the Learning Center and the soccer field. Mr. Medina stated the \$335,000 dollars of covid funds will be used to pay for project.
- 10. Presentation on Texas General Land Office awards of one million for Heywood Street and Catherine Street. (Mayor Olivares and Administrator Medina) Mr. Medina explained that one million had been received for Catherine Street and one million for Heywood Street. These streets will have curb and gutters and storm water pipes. The Texas General Land Office is the funding agency. Heywood Street will be improved from 106 to Roberto Garza and Catherine Street from S. Robertson St. to S. Reynolds Street. This project will start early 2023. The match would be \$10,000 for each project.
- 11. Presentation on Texas Department of Transportation Alternative Transportation Program and status. (Mayor Olivares and Administrator Medina) Mr. Medina stated that this funding by TxDot was 1.2 million seven sections were to be improved with sidewalks. The first would be a sidewalk from the bus barn to FM 106 along N. Robertson. This will continue to Ebony Street to S. Reynolds. The route to the park will be through signage or improved shoulders. The last route of sidewalk would be from the High School to the new Middle School along FM 345. Mayor Olivares commented that the match would be \$82,000 for these projects. The Rio Hondo ISD would be solicit for a match share. No action needed.
- 12. Executive Session pursuant to Section 551.071of the Texas Government Code: consultation with the Attorney. None
- 13. Adjournment. Commissioner Perez motioned to adjourn and seconded by Commissioner Gallegos and the motion passed unanimously.

| Approved |
|---------------------------------|
| Gustavo Olivares, Mayor |
| Date: |
| Attest: |
| Ben Medina, City Administrator. |

City Commission Report Rio Hondo Public Library 3-28-23

Library Activities

- Adult Art Class
- Teen Art Class
- Teen Cooking Class

Annual Texas Library Association Conference April 18-21

Annual Report to Texas State Library & Archives Commission

- Preliminary report filed March 27
- Final Report will be filed by April 30

Circulation Report

Circulations Month: February 2023

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Final

SENIOR CITIZENS CENTER MONTHLY MEAL & ACTIVITY REPORT For the Month of March 2023

| PARTICIPANTS MEALS IN CENTER NUMBER:23 |
|---------------------------------------------------------------|
| CURB SIDE NUMBER:45 |
| DAILY PARTICIPANT MEALS TOTAL NUMBER:68 |
| PARTICIPANT MEALS TO DATE NUMBER:1223 |
| PARTICIPANT MEALS YEAR-TO-DATE NUMBER:8013 |
| NEW REGISTRATION PARTICIPANTS NUMBER:4 |
| MY PLATE FLYER DISTRIBUTED NUMBER:68 |
| CENTER PARTICIPANTS SOCIALIZING NUMBER:16 |
| CENTER PARTICIPANTS ACITIVITIES -GAME NUMBER:16 |
| PRESENTER'S NAME: NIDIA GARCIA |
| AGENCY NAME: TX. A&M AGRILIFE EXTENSION |
| TOPIC: Healthy Eating Vegetables / Wkly Meal Planner |
| NUMBER OF ATTENDANCE: 5 |
| |
| PRESENTER'S NAME: May Bryan (CDP)Caregiver Support Specialist |
| AGENCY NAME: WELLMED / CAREGIVER SOS / AAA |
| TOPIC: Safe Place Topics / Chair Exercises Esmeralda Flores |
| NUMBER OF ATTENDANCE: 9 |

ORDINANCE NO. 2023-02

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF RIO HONDO, TEXAS INCORPORATING REGULATIONS FOR ELECTIONEERING ON CITY OWNED AND CITY CONTROLLED PROPERTY; AUTHORIZING THE CITY ADMINISTRATOR AND THE PUBLIC SAFETY DIRECTOR TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS ORDINANCE; INCORPORATING RECITALS; PROVIDING FOR SEVERABILITY; REPEALING ANY OTHER CODE PROVISIONS, ORDINANCES, OR PARTS OF ORDINANCES, AND OTHER PROVISIONS IN CONFLICT HEREWITH; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of RIO HONDO, Texas has determined that the ordinance herein is in the best interest of the safety and general welfare of the citizens of the City of RIO HONDO.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF RIO HONDO, TEXAS THAT:

SECTION ONE. *Electioneering at polling locations* is hereby and shall read as follows:

SECTION 1: *Electioneering at polling locations*

- (a) Purpose. The purpose of this section is to provide reasonable regulations for electioneering on city-owned or controlled public property when such property is used as an election polling place. The regulations contained herein are to mitigate against any safety concerns, prevent damage to public property, and ensure that the property is sufficiently available for its patrons who use the facilities other than for election purposes.
- (b) Definitions. The words and phrases as used in this section shall have the meanings as set forth in this section:

Electioneering shall mean the posting, use, or distribution of political signs or literature.

Prohibited area shall mean the area within which Election Code §§ 61.03 (a) and 85.036(a) prohibits electioneering during the time an early voting or voting place is open for the conduct of early voting or voting.

City property shall mean property owned or controlled by the City. Voting period shall mean the period each day beginning the hour the polls are open for voting and ending when the polls close or the last voter has voted, whichever is later on election day and early voting days. The period for a runoff election shall be considered to be a separate voting period.

(c) Political signs at polling locations.

(1) Size.

- a. The size of the on-premises sign shall not exceed 18 inches by 24 inches in size, may be two-dimensional only, and shall have a non-reflective surface.
- b. The size of signs attached to the sides of vehicles on City property shall not exceed 18 inches by 24 inches in size and shall have a non-reflective surface.
- (2) Number. A maximum of six political signs for each candidate or candidacy group, proposition/measure group, or political party may be placed in the designated area outside of the prohibited area of the public property during the voting period. Additionally, four political signs for each candidate or candidacy group, proposition/measure group, or political party may be placed in or on each assigned electioneering space, as has been reserved and designated by the city administrator's office.

(3) Location.

- a. Signs must be placed within the designated area or designated electioneering area, as appropriately marked with election distance markers, of the polling place building's premises which is outside the prohibited area and must be self-supporting and placed into the ground by no more than two stakes.
- b. Any sign determined to be in a location that causes an immediate hazard to public safety may be immediately removed by the city.
- c. Prohibited locations. No sign shall be posted or otherwise affixed, attached, placed or otherwise affixed or erected in any area designated as a planting or landscaped area or to any tree, shrub, building, pole, or other improvement on public property used as a polling location.
- d. Political signs on private property shall be regulated, pursuant to Section 259.003 of the Texas Election Code.
- (4) *Design*. Signs shall be maintained in a well-kept manner and shall have a professional appearance.
- (5) Lighting. None.
- (6) *Duration*. Signs may be displayed at polling places from 24 hours prior to the opening of the polls for an election until 24 hours after the closing of the polls for the same election. Thereafter, all such signs shall be promptly removed.
- (7) Permit fee. No sign permit is required for political signs.

(d) *Electioneering at the polling location.*

- (1) Each candidate or candidacy group, proposition/measure group, or political party desiring to electioneer shall request an electioneering space prior to the start of the early voting period.
 - a. The request must be made in writing to the city secretary on a prescribed form.
 - b. The city secretary shall assign an electioneering space not to exceed the length and width of one (1) parking space to each candidate or group making such request on a first come, first serve basis and as space permits.
 - c. Only one space shall be assigned to each candidate or group.
 - d. Each candidate/group may set-up their assigned electioneering space after 5:00 pm on the day before the polls open for early voting and on election day.
 - e. Electioneering spaces shall not be set-up in areas not designated as an electioneering space. If the voting period is already underway and there are still available spaces, the candidate/group will be provided the prescribed form to request a space in writing. If there are no available electioneering spaces, the candidate/group will have to select an alternate polling location.

(2) Prohibited activities and conduct.

- a. It shall be prohibited to electioneer on City property when it is used as a polling place other than during the voting period.
- b. It shall be prohibited for health and safety reasons to electioneer on driveways, parking areas, paved/unpaved medians within parking areas, and sidewalks on the premises of a polling location. This restriction shall not apply to the electioneering space designated to the candidate/group by the city administrator's office or to electioneering signs that are attached to the sides of vehicles that are lawfully parked at the premises of a polling location.
- c. It shall be unlawful to use of a sound amplification device or a vehicle with a loudspeaker for the purpose of making a political speech or to electioneer for or against any candidate/candidacy group, proposition/measure, or political party during the voting period and within 1,000 feet of a building in which a polling place is located.
- d. It shall be unlawful to loiter during the voting period and within 100 feet of an outside door through which a voter may enter or exit the building in which a polling place is located. For the purpose of this subparagraph, a person is deemed to be loitering if the person lingers, walks around aimlessly, moves in a slow or idle manner, or makes purposeless stops. Contact with voters or potential voters shall only be initiated within a candidates/groups electioneering space.
- e. Signs mounted in any way to the roof, hood, truck or in a truck bed or trailer are prohibited when a vehicle is parked in the right of way of FM 106 (Colorado Ave),N. Arroyo Blvd., or on the grounds of the City Municipal Complex.

(3) Penalty.

The provisions of subsection (d) shall be administered by the Public Safety Director's office and enforced by code compliance or a law enforcement official. A person who violates any of these provisions commits a Class C misdemeanor offense."

SECTION TWO. <u>AUTHORIZATION.</u> The City Commission of the City of RIO HONDO authorizes the City Administrator and the Public Safety Director to take all necessary steps to implement the provisions of this Ordinance.

SECTION THREE. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared void.

SECTION FOUR. REPEALER. All other Code provisions, ordinances or parts of ordinances, and other provisions in conflict herewith are repealed to the extent of said conflict.

SECTION FIVE. FINDINGS. The City Commission finds all of the above recitals to be true and correct and incorporates the same in this Ordinance as findings of fact.

SECTION SIX. EFFECTIVE DATE. This Ordinance shall be effective immediately upon its approval by City Commission.

PASSED AND APPROVED this 11th day of April 2023.

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| Gustavo Olivares | |
| Mayor | |

CITY OF RIO HONDO, TEXAS:

ATTEST:

Ben Medina, Jr City Administrator

ORDINANCE NO. 2023-02

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SECTION ONE. *Electioneering at polling locations* is hereby and shall read as follows:

SECTION 1: *Electioneering at polling locations*

- (a) Purpose. The purpose of this section is to provide reasonable regulations for electioneering on city-owned or controlled public property when such property is used as an election polling place. The regulations contained herein are to mitigate against any safety concerns, prevent damage to public property, and ensure that the property is sufficiently available for its patrons who use the facilities other than for election purposes.
- (b) Definitions. The words and phrases as used in this section shall have the meanings as set forth in this section:

Electioneering shall mean the posting, use, or distribution of political signs or literature.

Prohibited area shall mean the area within which Election Code §§ 61.03 (a) and 85.036(a) prohibits electioneering during the time an early voting or voting place is open for the conduct of early voting or voting.

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(c) Political signs at polling locations.

(1) Size.

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(3) Location.

- a. Signs must be placed within the designated area or designated electioneering area, as appropriately marked with election distance markers, of the polling place building's premises which is outside the prohibited area and must be self-supporting and placed into the ground by no more than two stakes.
- b. Any sign determined to be in a location that causes an immediate hazard to public safety may be immediately removed by the city.
- c. Prohibited locations. No sign shall be posted or otherwise affixed, attached, placed or otherwise affixed or erected in any area designated as a planting or landscaped area or to any tree, shrub, building, pole, or other improvement on public property used as a polling location.
- d. Political signs on private property shall be regulated, pursuant to Section 259.003 of the Texas Election Code.
- (4) *Design*. Signs shall be maintained in a well-kept manner and shall have a professional appearance.
- (5) Lighting. None.
- (6) *Duration*. Signs may be displayed at polling places from 24 hours prior to the opening of the polls for an election until 24 hours after the closing of the polls for the same election. Thereafter, all such signs shall be promptly removed.
- (7) Permit fee. No sign permit is required for political signs.

(d) *Electioneering at the polling location.*

- (1) Each candidate or candidacy group, proposition/measure group, or political party desiring to electioneer shall request an electioneering space prior to the start of the early voting period.
 - a. The request must be made in writing to the city secretary on a prescribed form.
 - b. The city secretary shall assign an electioneering space not to exceed the length and width of one (1) parking space to each candidate or group making such request on a first come, first serve basis and as space permits.
 - c. Only one space shall be assigned to each candidate or group.
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 - e. Electioneering spaces shall not be set-up in areas not designated as an electioneering space. If the voting period is already underway and there are still available spaces, the candidate/group will be provided the prescribed form to request a space in writing. If there are no available electioneering spaces, the candidate/group will have to select an alternate polling location.

(2) Prohibited activities and conduct.

- a. It shall be prohibited to electioneer on City property when it is used as a polling place other than during the voting period.
- b. It shall be prohibited for health and safety reasons to electioneer on driveways, parking areas, paved/unpaved medians within parking areas, and sidewalks on the premises of a polling location. This restriction shall not apply to the electioneering space designated to the candidate/group by the city administrator's office or to electioneering signs that are attached to the sides of vehicles that are lawfully parked at the premises of a polling location.
- c. It shall be unlawful to use of a sound amplification device or a vehicle with a loudspeaker for the purpose of making a political speech or to electioneer for or against any candidate/candidacy group, proposition/measure, or political party during the voting period and within 1,000 feet of a building in which a polling place is located.
- d. It shall be unlawful to loiter during the voting period and within 100 feet of an outside door through which a voter may enter or exit the building in which a polling place is located. For the purpose of this subparagraph, a person is deemed to be loitering if the person lingers, walks around aimlessly, moves in a slow or idle manner, or makes purposeless stops. Contact with voters or potential voters shall only be initiated within a candidates/groups electioneering space.
- e. Signs mounted in any way to the roof, hood, truck or in a truck bed or trailer are prohibited when a vehicle is parked in the right of way of Old FM 106 (Colorado Ave), N. Arroyo Blvd., or on the grounds of the City Municipal Complex.

(3) Penalty.

The provisions of subsection (d) shall be administered by the Public Safety Director's office and enforced by code compliance or a law enforcement official. A person who violates any of these provisions commits a Class C misdemeanor offense."

SECTION TWO. <u>AUTHORIZATION.</u> The City Commission of the City of RIO HONDO authorizes the City Administrator and the Public Safety Director to take all necessary steps to implement the provisions of this Ordinance.

SECTION THREE. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared void.

SECTION FOUR. REPEALER. All other Code provisions, ordinances or parts of ordinances, and other provisions in conflict herewith are repealed to the extent of said conflict.

SECTION FIVE. FINDINGS. The City Commission finds all of the above recitals to be true and correct and incorporates the same in this Ordinance as findings of fact.

SECTION SIX. EFFECTIVE DATE. This Ordinance shall be effective immediately upon its approval by City Commission.

PASSED AND APPROVED this 11th day of April 2023.

| Adriana de Carrero de | | |
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| io Oliverso | | |

CITY OF RIO HONDO, TEXAS:

Gustavo Olivares Mayor

ATTEST:

Ben Medina, Jr City Administrator